

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

FRANCISCO DURAN AVILA,)
)
)
Plaintiff,)
)
)
v.) 1:09CV1001
)
)
UNITED STATES OF AMERICA,)
)
)
Defendant.)
)

ORDER

BEATY, District Judge.

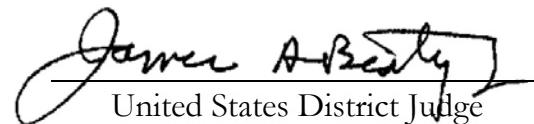
This matter is before the Court on a Recommendation of the United States Magistrate Judge (the “Recommendation”) [Doc. #10], which was filed and served on the parties pursuant to 28 U.S.C. § 636(b). In the Recommendation, the Magistrate Judge recommended that the Motion for Return of Property [Doc. #9] filed, *pro se*, by Plaintiff Francisco Duran Avila (“Plaintiff”) be denied. In his Motion, Plaintiff sought the return of \$55.07, which he had submitted to the Court on April 12, 2010, as the initial partial filing fee for the above-captioned case. No objections to the Recommendation were filed within the time limits prescribed by § 636.

In the absence of objections, this Court reviews the Recommendation only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Fed. R. Civ. P. 72 advisory committee’s note. The Court has appropriately reviewed the Recommendation. Having done so, the Court finds that no clear error exists and the

Recommendation should be adopted. The Magistrate Judge's Recommendation [Doc. #10] is therefore affirmed and adopted for the reasons set forth therein.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's Motion for the Return of Property [Doc. #9] is DENIED.

This, the 10th day of June, 2015.



United States District Judge